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2 **IN THE UNITED STATES DISTRICT COURT**  
3 **FOR THE**  
4 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

5 **LISA S. BLACK,** ) **CIVIL ACTION NO. 05-0038**  
6 **Plaintiff,** )  
7 **vs.** ) **DECLARATION OF ROBERT**  
8 **JIM BREWER, individually and in his** ) **SCHWALBACH**  
9 **official capacity as Acting Principal for** )  
10 **Hopwood Junior High School,** )  
11 **COMMONWEALTH OF THE NORTHERN** )  
12 **MARIANA ISLANDS PUBLIC SCHOOL** )  
13 **SYSTEM, and JOHN AND/OR JANE DOE,** )  
14 **Defendants.** )

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15 I, Robert J. Schwalbach, declare under the penalty of perjury according to the laws of  
16 the Commonwealth of the Northern Mariana Islands and the United States of America, that the  
17 following is true and based upon my personal knowledge, except where noted otherwise, and if  
18 called to testify, I could do so competently:

19 1. I was the Senior Policy Advisor for former Governor Juan Babauta. In that role I was  
20 the administrator of the money grants issued as part of then Governor Babauta's Education  
21 Initiative project.  
22

23  
24 2. The Plaintiff in the above-captioned case, Ms. Lisa Black ("Ms. Black") was granted a  
25 money grant as part of then Governor Babauta's Education Initiative program.  
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27  
28

**Exhibit "G"**

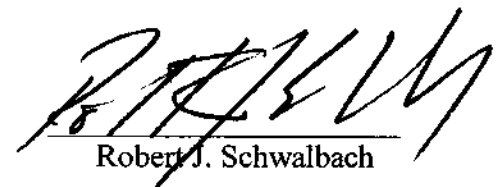
1 3. On or about May of 2005, I was contacted by Jim Brewer, the then acting Principal of  
2 Hopwood Junior High School and asked if these grants were awarded to schools, or if they  
3 were awarded directly to individual teachers. I informed him that they were awarded to  
4 individual teachers and not schools.

5  
6  
7 4. On May 5, 2005, Mr. Brewer wrote to me expressing his concern that Ms. Black was  
8 not in compliance with the terms of her grant a copy of which is attached hereto as Exhibit  
9 "A." Mr. Brewer noted that one other grant recipient at Hopwood, a consortium of which he  
10 was a member, was required to file quarterly progress reports. He advised me to seek the same  
11 information from Ms. Black.

12  
13  
14 5. On May 6, 2006, along with his letter of May 5, Mr. Brewer also faxed me a short note  
15 advising that I may have been "hoodwinked" by Ms. Black with respect to the grant she had  
16 been awarded.

17  
18 6. To my knowledge, and with the exception of the aforementioned grant consortium of  
19 which he was a member, Mr. Brewer had not attempted to confirm that any other awardee of  
20 these grants had or had not complied with the specific terms of their grants.

21  
22  
23 Signed on Saipan, Commonwealth of the Northern Mariana Islands, this 30th day of  
24 November, 2006.

25  
26  
27   
Robert J. Schwalbach

28

Jim Brewer, Acting Principal

**HOPWOOD JUNIOR  
HIGH SCHOOL  
664.5075**

# Fax

**TO:** Mr. Robert Schalbach

**From:** Jim Brewer

**Fax:** 664.2211

**Pags:** 3+ Cover

**Phoe:** 664.5080 FAX

**Date:** May 6, 2005

**Re:** Black's Grant

**CC:**

**Urgent**

**For Review XX**

**Please Comment**

**Please Reply**

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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

STATE BOARD OF EDUCATION  
PUBLIC SCHOOL SYSTEM  
P.O. BOX 501370 CK  
SAIPAN, MP 96950

**Hopwood Jr. High School****MEMORANDUM**

May 6, 2005

TO: Robert Schalbach  
Special Assistant to the  
Governor, CNMI

FROM: Acting Principal

Subject: Governor's Education Initiative Grant

Reference: Lisa Black-Technology at HJHS: Move to the Future

I have reviewed the conditions as awarded to Ms. Black. Specifically, I looked at the General Need, the Goal statement, the Objectives and the Evaluation criteria. I make the following comments based on my professional understanding of grants, how to develop goals and objectives and a proper evaluation process.

As of today Ms. Black seems to be in substantial non-compliance with the conditions of the grant. In the General Need statement she states "through this grant, we hope to provide the PC lab with the tools necessary to meet the standards and benchmarks ...", and further "...students the opportunity to meet the HJHS ESLRs of being effective communicators ...". This is the first indication the funds will be used at Hopwood.

The first Goal states that "Hopwood will conform to the CNMI PSS Technology Program Standards and Benchmarks." The second indication the funds will be used at Hopwood. Ms. Black goes on to state that students will reach the ESLRS "through both the software within the classroom and the internet". This is an indication software will be provided through the grant.

The Objectives that are directly related to the budget display are:

1. Provide an external CD Player and Writer to be utilized at any workstation  
*The budget notes that equipment at a cost of \$250*
2. Provide a video camera for students' use  
*The budget notes a Sony Digital Video Camera at a cost of \$800*

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"We Make Everyday the Best"

3. Provide the means to print hard copies of student work  
*The budget notes 2 HP Printers at a cost of \$400*
4. Provide Discs for students to be able to transport work and preserve work  
*The budget notes miscellaneous supplies including "floppies" at a cost of \$150*

The Evaluation statement implies that through improvement in the "lab" "Hopwood" students will become better able to use technology. Unfortunately the "variety of forms" the evaluation will take does not include actual purchase of any of the items noted in the budget.

As of today none of the objectives have been met. I have checked with all three of our eighth grade Computer Technology Teachers and they have not seen any of the budgeted items. Ms. Black teaches an entirely different subject to seventh graders and a recent inspection of her classroom did not reveal any of the budgeted items. (I had other, legitimate reasons to be in the room.) More disturbing and of greater import is that Ms. Black will not return to Hopwood next year. There is a good possibility she will not be a PSS employee at all.

I know that when the LMA Program received the very first of the Governor's Grants we were required to provide your good office with quarterly reports. Those reports included progress on goal attainment and accomplishing objectives, expenditure of funds, with receipts, status of evaluation(s), etc. I strongly advise you to require at least this data from Ms. Black in the very near future. HJHS staff will clear their individual classrooms no later than June 7. I anticipate Ms. Black to be completely off campus by June 3.

If you need additional information please contact me before I go off island on May 30.

Respectfully,

  
Jim Brewer

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"We Make Everyday the Best"

Bob:

I think you might have been "hoodwinked" by Black. She is a technology geek and thinks she can make decisions on campus that she is not responsible for. She was/is not in a position to accomplish any of the objectives as our computer students are all 8<sup>th</sup> graders and she teaches 7<sup>th</sup>.

More to the point, her veracity in all matters is suspect. I strongly believe the words "grant", "money" and "fraud" have major connections in this situation.